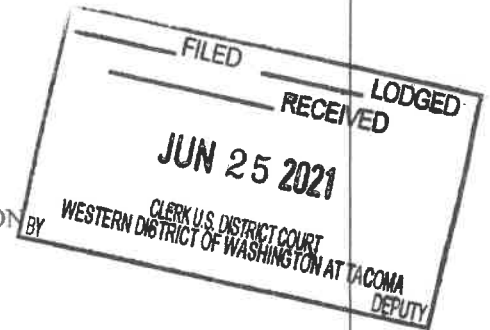


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Aberdeen, Washington 98520  
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The Honorable DW Christel

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA



UNITED STATES PROBATION AND  
PRETRIAL SERVICES (Custodian),  
Respondent  
v.  
ANTOINE D. JOHNSON, MD,  
Petitioner.

Case No. 3:21-cv-05125-JCC-DWC

DISQUALIFICATION OF JUSTICE, JUDGE, OR  
MAGISTRATE JUDGE. (28 U.S.C. 455, LCR #3(f)).

**I. The injustice of Magistrate Judge Christel's  
Habeas Corpus Rule 4 omission produces prejudice  
that evidences "deep-seated favoritism or antagonism  
as would make fair judgment impossible." (*Liteky v.  
United States*, 510 U.S. 540 (1994)- holding 'b').**

The Due Process clause requires fair process in a fair tribunal before a judge with no actual/implicit bias against the defendant or interest in the outcome of his particular case. (E.g., *Bracy v. Gramley*, 520 U.S. 899, 904-05 (1997)). There is a strong presumption that a judge is not biased or prejudiced. (*Rhoades v. Henry*, 598 F.3d 511, 519 (9th Cir. 2010)).

I offer evidence sufficient to rebut the presumption against judicial bias. I contend that Magistrate Judge Christel's bias is evinced by his failure to perform the following Habeas Corpus Rule 4 requirement expeditiously:

DISQUALIFICATION OF JUSTICE, JUDGE, OR MAGISTRATE JUDGE. (28 U.S.C. 455, LCR #3(F)). - 1

1 “If the petition is not dismissed, the judge must  
2 order the respondent to file an answer, motion,  
3 or other response within a fixed time, or to take  
4 other action the judge may order.”

5 [Habeas Corpus Rule 4<sup>1</sup> - in pert. part].

6 The record contains no dismissal or recommended dismissal of my Petition.  
7  
8 (See Dkt. generally)<sup>2</sup>. Thus, Magistrate Judge Christel ignored the command of the *Rules*  
9 *Governing Section 2254 Cases*. (Supra.). Those rules are "as binding as any statute duly enacted  
10 by Congress, and federal courts have no more discretion to disregard the Rule[s'] mandate than  
11 they do to disregard constitutional or statutory provisions." (*Bank of Nova Scotia v. United*  
12 *States*, 487 U.S. 250, 255; (1988). See also *Fed. Rule Civ. Proc. 1* (Federal Rules "govern the  
13 procedure in the United States district courts in all suits of a civil nature").  
14

15  
16 Magistrate Judge Christel denied my motion under 28 USC 1657(a) (see Dkt. #'s  
17 22 & 23); but, the record shows I brought this action under chapter 153 of Title 28 of the United  
18 States Code. (Dkt. #10: p.4; lns. 13-14). Thus, Magistrate Judge Christel ignored 28 USC  
19 1657(a): “[T]he court shall expedite the consideration of any action brought under chapter 153  
20 ... of this title.” (28 USC 1657(a)- in pertinent part only, with emphasis added).  
21  
22  
23  
24  
25

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26  
27 <sup>1</sup> Rules Governing Section 2254 Cases.

28 <sup>2</sup> “Having reviewed the Petition, the Court decline[d] to order Respondent to file an answer....”  
(Dkt. #15: p.1; lns. 18-19).  
DISQUALIFICATION OF JUSTICE, JUDGE, OR MAGISTRATE JUDGE. (28 U.S.C. 455, LCR #3(F)). - 2

Magistrate Judge Christel's omission of *Rules Governing Section 2254 Cases and the Priority of civil actions* (28 USC 1657(a)), is "inconsistent with the rudimentary demands of fair procedure" (*United States v. Baker*: 790 F.2d 1437, 1439; 1986 (9th Cir.)- cit. *Hill v. United States*: 368 U.S. 424, 428; (1962)), and evidences "deep-seated favoritism or antagonism as would make fair judgment impossible." (*Liteky* @ holding 'b').

I am prejudiced by the violations of due process caused by Magistrate Judge Christel: 1) not ordering the Respondent to file an ANSWER as required by HC Rule 4; and, 2) denying my Petition the highest priority as required by 28 USC 1657(a). Magistrate Judge Christel certainly cannot be "neutral and detached"<sup>3</sup> because he is harming me.

Dated this 24th day of June, 2021.  
Respectfully submitted by,

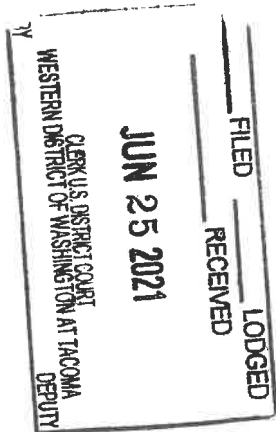


Antoine D. Johnson, MD

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<sup>3</sup> See Code of Conduct for United States Judges: *Canon 3; para. 4* - "A judge should accord to every person who has a legal interest in a proceeding ... the full right to be heard according to law." DISQUALIFICATION OF JUSTICE, JUDGE, OR MAGISTRATE JUDGE. (28 U.S.C. 455, LCR #3(F)). - 3

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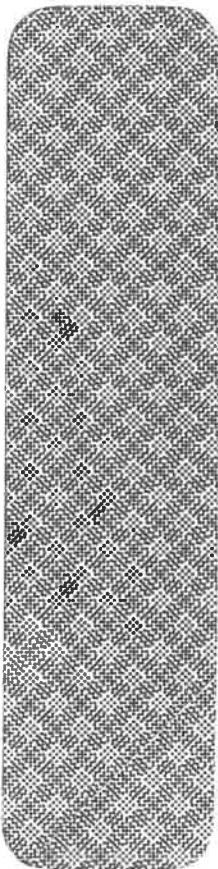
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The United States District Court for the Western  
District of Washington, at Tacoma

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Rm # 3100  
Tacoma, WA (98402-3200)



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